

CITY COUNCIL MINUTES

May 12, 2014

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, May 12, 2014 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President John Friend presiding and conducting the following business.

These minutes do not represent a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

President Friend: The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: There being nine (9) members present and zero (0) members absent and nine (9) members representing a quorum, I hereby declare this session of the Common Council officially open.

PLEDGE OF ALLEGIANCE

Councilman Adams will lead the Pledge of Allegiance this evening.

President Friend: Fellow Councilmen and those in the audience, welcome to the May 12, 2014 meeting of the Common Council.

COUNCIL ATTORNEY

Scott Danks is our City Council Attorney.

SERGEANT AT ARMS

Officers Nutt and Karmire are our Sergeant at Arms.

Councilman Adams: Mr. President, we have a young intern I believe *(Inaudible)*.

President Friend: Oh my, yes. Yes, we are and we have Scott Danks' son, just graduated from Ball State, correct?

Mr. Danks: In the fall.

President Friend: In the fall, in the fall, yes. Thanks for pointing that out.

APPROVAL OF MINUTES

Okay, I need a motion to approve the April 28, 2014 minutes.

Councilwoman Mosby moved and Councilman O'Daniel seconded the motion to approve the minutes of the regular meetings of the Common Council held April 28, 2014 as written. Voice vote. Goes forth and it's been approved.

REPORTS AND COMMUNICATIONS

IN YOUR MAY 9th PACKET:

- * City Council Meeting Agenda for May 12, 2014
- * Committee Meeting Schedule for May 12, 2014
- * Evansville Redevelopment Commission Meeting Minutes dated April 15, 2014
- * Ordinances G-2014-7, F-2014-5 Amended, F-2014-6, and R-2014-5 Amended
- * Resolution C-2014-10 (Docket) and C-2014-11 (Docket)
- * Legal Aid Society 2013 Annual Report and March 2014 Monthly Report

EMAILED MATERIAL:

- * City Council Meeting Minutes for April 28, 2014
- * Financing documents regarding the Medical School Bond Ordinance:
 - 1) Trust Indenture
 - 2) Financing Agreement

ON YOUR DESK THIS EVENING:

- * Extended Agenda
- * Revised Short Agenda
- * March 2014 Financial Report

President Friend: I have a motion to receive, file, and make these reports and communications a part of the meeting?

Councilman O'Daniel: So moved.

Councilman Adams: Second.

President Friend: I had a motion made by Councilman O'Daniel and seconded by Dr. Adams. Voice vote. Goes forth.

CONSENT AGENDA

FIRST READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-7 A.S.D. ADAMS, BRINKERHOFF-RILEY, MCGINN, MOSBY, FRIEND & ROBINSON

An Ordinance Amending Chapter 9.20 of the Code of Ordinances

ORDINANCE F-2014-6**FINANCE****O'DANIEL**

An Ordinance of the Common Council of the City of Evansville Authorizing Re-appropriations and Additional Appropriations of Funds within a City Department (DMD)

ORDINANCE R-2014-10**APC****CO-2 to C-3**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 715 Locust Street

Petitioner: Evansville - Vanderburgh County Building Authority

Owners: Same

Representative: Dave Rector (EVBA)

District: Connie Robinson, Ward 4

ORDINANCE R-2014-11**APC****M-3 to R-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 915 N. Evans Avenue

Petitioner: Clayton Daugherty

Owners: Same

Representative: Same

District: Stephanie Brinkerhoff-Riley, Ward 3

President Friend: Is there a motion to adopt the Consent Agenda as written?

Councilwoman Mosby: So moved.

Councilwoman Robinson: Second.

President Friend: A motion by Councilwoman Mosby and seconded by Councilwoman Robinson. Voice vote. It goes forth as written.

CONSENT AGENDA**SECOND READING OF ZONING ORDINANCES****ORDINANCE R-2014-6 AMENDED****APC****C-4 to C-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1824 Pollack Avenue, 1931 & 1937 S. Weinbach Avenue

Petitioner: Two Kins Investments, LLC

Owners: Same

Representative: Andy Easley Engineering, Inc.

District: Connie Robinson, Ward 4

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 10 affirmative votes and 1 abstention.

President Friend: Is there a motion to adopt the Consent....oh wait, wait.

Councilman O'Daniel: Oh, he's coming forward.

President Friend: Yeah, come on up. I was looking for someone...oh yeah, Andy, thanks. Appreciate it.

Justin Schoffstall: Justin Schoffstall with Easley Engineering. Just want to touch base on that as far as the rezoning. It is a downzoning from C-4 to C-2. C-2 allows us to put up a...at this point, it being (*Inaudible*) six individual apartment buildings. A grand total of a maximum 76 apartment units themselves in the mix of three, two, and one bedroom units. With that, again, with the positive recommendation we have from APC on this. Part of the reason is...this was a downzoning, it allows for the residential use for multifamily dwellings, which is more appropriate for the area itself versus what the current C-4 zoning allows.

Several...most times when we go through the rezoning process, where we're going from R to Ag and to Commercial. The first thing a lot of people want to complain about is these types of heavy uses. What we are looking for is with taking from C-4 to C-2, it will eliminate those other more undesirable uses that certainly wouldn't blend in with this neighborhood area itself. It has a mix of commercial and residential and we'd ask that you recommend to approve it.

Councilman O'Daniel: Its right there by the VFW, isn't it?

Justin Schoffstall: That's correct. It's a four-acre empty field between the VFW and the rear lot of the Salvation Army. Those properties are fronted on Weinbach Avenue.

President Friend: Any questions from members of Council?

Councilman Adams: One of the issues that came up in the Area Plan was the worry that there might be some run-off of the water from your program...from your development and I thought your answer to that was very cogent. Would you share that with us?

Justin Schoffstall: As far as with...as per requirements, we have to have storm water detention provided on site, which as per the current ordinance requires a 25-year developed storm be retained on-site at least a ten-year undeveloped. So with that we have a series of store sewer systems collecting our parking lot, our downspouts, and then just having that in a grass dry-detention basin. Currently we have one that will be up towards our rear yard areas. It'll be directly discharging into the sewer there at the north end of the VFW that goes into the residential subdivision, and also, as far as the

storm sewer system where we have the additional portion that will be up front between the building themselves and Pollack Avenue.

Councilman Adams: Thank you.

President Friend: Any other...anybody in the audience for or against this?

Unidentified Speaker: *(Off Mic)* Yeah.

President Friend: Just come on down *(Inaudible)*. Please state your name and your address for the record.

Simon J. Leon, Jr.: My name is Simon J. Leon, Jr. My address is 115 E. Maryland Street, Evansville, Indiana and I am the Commander of the VFW Post, Charles Dundee, Post #2953, which is right next door.

I do have petitions: one that we did at the post, and one that was done by the neighbors, stating that we do not believe this is a very good project for our area. One thing, when we were talking after the last meeting, the construction person, or engineer, said they were wanting to build up to somewhere including ninety-some-odd apartments there. The total that's there shows if you count one apartment and an apartment above would be like 63. In order for them to add seventy-something to ninety-some more apartments, or up to that amount, they are going to have to move that stuff and they're going to lose things. They are going to lose grass area. They are going to have to have more concrete area for parking for all those apartments. That water is going to have to go someplace and those little things they want to use aren't going to hold it all. This is going to be bad. We already have a real bad water problem when it rains and this is going to do nothing but add to it and make it worse.

We also have a bad problem in the mornings and in the afternoons; we have Lodge School, which is down at the end of Pollack at Riverside, which just clogs up the area with traffic. You add ninety-something apartments and you figure each of them is going to have to have a car, approximately, some of 'em two cars. You're talking over a hundred cars you're adding to a traffic problem every day going in, everyday coming out.

This, and if they get that many apartments, it's going to butt them to where they're right up against our property. We don't like this and we don't think this is a very good plan. We are against this, us, our members, and the neighborhood around us.

Here...I don't know who we would give these to.

Councilman O'Daniel: *(Off Mic)* Give them to the Clerk *(Inaudible)*.

Simon J. Leon, Jr.: When we had...we were at the last meeting, I gave my card to the engineer for the owners to call, cause he said, "Oh no, you know, why don't you guys talk together and see what you work out". I never received a call. It had our VFW number; it had my personal numbers, my cell number, my home number. Never received a call so it appears to me they're not interested in working anything out. They just want to have the maximum amount of apartments that they could put in there to pull the maximum amount of dollars.

Now one of the other things we're wondering about that we didn't find out about is will any of this be Section 8 housing? We already have a problem with crime and stuff in our area. Not to say all Section 8 housing people do that but if it's going to be a lower income housing that tends to cause problems.

Councilwoman Robinson: Where are lower income people supposed to live?

Simon J. Leon, Jr.: Well, I mean, I don't know but there's a lot of areas around Evansville.

Councilwoman Robinson: Oh, we're supposed to put them all in one group.

Simon J. Leon, Jr.: No! I'm not saying that. I'm saying you could, you know, there's all kinds of places: westside, eastside, northside, where they could go. We just don't feel that it's a very good thing for our area. It going to fl...it's going to make our roads flood more. The roads on the northside of Pollack, because of the way it's built, the road's like this...you have to go up to get into our property. When it floods, like the rains today, cars can't even go up because when they go up the water that's sitting there stalls 'em out and somebody has to push 'em.

Councilwoman Robinson: I can understand that. I guess I just took offense to the fact that you said it was going to bring lower income people into your neighborhood. You know, if they're not fortunate enough to be middle-income or high-income, they still need a place to reside.

Simon J. Leon, Jr.: I...I...and I totally understand that but there are a lot of areas around Evansville for development where it could be used. And like I said, that includes eastside, northside, westside.

Councilman O'Daniel: Sir, could I ask you a question?

Simon J. Leon, Jr.: Yes.

Councilman O'Daniel: I don't know if...is your objection to the development itself or the objection to the density of the development?

Simon J. Leon, Jr.: The objection is to the development itself because...

Councilman O'Daniel: What would...what do you think...

Simon J. Leon, Jr.:...and also to the density.

Councilman O'Daniel: What do you think can go in there? I mean it's been vacant for...well, since I've been around.

Simon J. Leon, Jr.: Yes, it has been vacant for a lot...for a long time.

Councilman O'Daniel: So what do you think...

Speaking Simultaneously

Simon J. Leon, Jr.: A gas stations. Ah, a gas station, yes. It would be cars going in and out but that would be throughout the day not all at one time. Everybody leaving in the morning, boom, adding on to the traffic. People coming home mostly at night, boom, you know. A gas station, they're going to be so many coming in in the morning, so many coming in at nine, so many coming in at ten...

Councilman Adams: Of course, that's a commercial development issue...

Simon J. Leon, Jr.:...to where it's...

Councilman O'Daniel:...and there used to be...

Simon J. Leon, Jr.: It's static.

Councilman O'Daniel: And there used to be a gas station at that at that corner. It's now a car lot, right?

Simon J. Leon, Jr.: Yeah. That's one reason why I said gas station. It'd be nice to have another gas station down there.

Councilman O'Daniel: Is there any setbacks or any sort of partitions that will create a buffer as far as the development goes?

Justin Schoffstall: Currently with the site plan, there's an 11' side yard between our property and the VFW Post. There's about a 20 some-odd foot north grass buffer

between our building and the property line that up against the R-4 residential housing on Plantation Court and another 10...no, another 11' buffer between the rear of the building, you know, for the side yard behind the Salvation Army, the standard 25' green strip up front.

Councilman O'Daniel: As it pertains to the hydrology, or the water run-off, I assume that site plan and the City engineers looked at that to...

Justin Schoffstall: Well it's when we filed for Site Review with that and again, you still have to have the standard requirements for on-site storm water detention. It'd be no different if we went in there and filed something for a C-4 use today. Actually, with a C-4 use with the other commercial zoning that's surrounding us, the only thing we'd have to have is to make sure we have a commercial...have a greenspace buffer on a rear yard. We would have less requirement for greenspace. We would have more hard surface available for us to use and develop and there's a lot more harsh development on that property at C-4 versus C-2.

Councilman O'Daniel: Has there been any contact between your client, yourself, and the VFW?

Justin Schoffstall: I would say at this point no. I did provide them the information, the contact card that the post commander provided to me after the meeting, to APC meeting, so at this point, the last time I checked with them, they had not gotten around to it...they...and my understanding they would be doing that so I would say since they haven't either it slipped their mind or they felt that there wasn't a need to contact them.

Councilman O'Daniel: That your client not need any contact with the VFW?

Justin Schoffstall: That's the only thing I can speculate on that.

Councilman O'Daniel: So you don't know?

Justin Schoffstall: No.

Councilman O'Daniel: We can all co-exist here, can't we?

Councilman Adams: How many apartments are you putting in there?

Justin Schoffstall: Right now, as far as what's finalized with the apartment building plan it's 76 units.

Simon J. Leon, Jr.: Did you not say that it could be up to ninety-something?

Justin Schoffstall: At the original meeting, as far as with us still going through the planning process, we're looking at as far as to where it was about 82 was the maximum number and I think Janet just went through the minutes to resolve that so 82 was the maximum number mentioned at the Area Plan Commission.

Councilwoman Mosby: I live on Pollack not very far from this and I do agree with you. That area is very congested; there are a lot of traffic accidents over there. We've had a lot of issues over there. And I'm very concerned that this developer has not reached out to the adjoining VFW, the car lot, and others. I find that very alarming.

Justin Schoffstall: Well on that as far as with in regards to traffic, I can just as far as besides going through and just...the current editions of Transportation, Institute Engineers traffic counts for peak hours, say 1000 square foot restaurant drive-through, like Rally's, generates 137 vehicle trips during the peak hours during the afternoon, versus what an apartment would have of less than a hundred for (*Inaudible*) density. So that being four acres, knowing that 1000 square foot Rally's, that needs about a half an acre to thrive, that gives us 3½ other acres with additional traffic to generate on here. The actual is...the other possibility is for C-4. There's going to be higher traffic numbers generated from those developments with C-4 as it is today versus a downzoning to C-2 to allow for apartments.

Councilwoman Mosby: I do understand what you're saying but I mean that has sat vacant for quite some time. I've lived in the ward for probably 10 years and it's been vacant since I've been there and I just...I don't know if this is a very good fit and I really think we need to take a step back and you need to contact those neighbors and talk to them and try to work with them.

Justin Schoffstall: I did speak with VFW after the meeting. Again, I cannot force my client to make contact. They either...they forgot about it or they chose not to do so. I can't sit on 'em all the time to say, "Hey, have you done this? Have you done this? Have you done this?"

Councilwoman Mosby: I understand that but I just think that's...I mean to be a good neighbor you have to start out by being a good neighbor and they should have been talked to.

Councilwoman Robinson: Councilwoman Mosby, have they talked to you?

Councilwoman Mosby: No, they have not.

Councilwoman Robinson: Okay, and I just found out that this was in my ward. Since the new districts, I guess now this is Ward 4. So I have not received a call from the developer either.

Unidentified Speaker: *(Off Mic)* I live four doors down. *(Inaudible)*...call me.

Justin Schoffstall: All adjacent property owners were notified via certified mailing as per requirements for the rezoning.

Councilman Brinkerhoff-Riley: I had a question. Do you...have you...do you frequent that area? Do you acknowledge that it has a lot of water issues currently?

Justin Schoffstall: I...on that as far I cannot say that it has any water issues that are more prevalent than other places on the southeast side of town.

Councilman Brinkerhoff-Riley: Is...you talk...what I thought I heard you say though was if we were to approve this, then you would go to see if your drainage plan was acceptable.

Justin Schoffstall: That's part of the site plan filing so right now as far as with C-4, you wouldn't be here at the City Council meeting; we'd just be going straight to Site Review. Typically with what we do is make sure that the zoning is there first and then process the plans through Site Review.

Councilman Brinkerhoff-Riley: But because of the water issues it would be nice to hear what you plan because I don't know that 20 feet between the VFW and the apartment complex, how much of this cover, how much of this... How much did you say, four acres?

Justin Schoffstall: Yeah, approximately four acres, yes.

Councilman Brinkerhoff-Riley: How much of the four acres will be left either without a structure or pavement?

Justin Schoffstall: On that, I have not crunched the numbers but there's another engineer in our office that's done that, but again, as far as the requirements that are there with providing for the developed storm water that is being detained on site, I know the VFW said that their opinion that storm water detention, whatever, no matter what we put in will not be sufficient. It's what is per the requirement that we have established by the City, which are viewed by the City Engineers on behalf of the City for their interest. Again, as far as what would be detained on site, it's a combination of

storm sewer systems and typical dry detention basins that you'll see with any other new developments in the past 20 years through the City of Evansville.

Councilman Brinkerhoff-Riley: What about, you know, porous paving or rain gardens within the parking. There are things I understand that would be more expensive but...

Justin Schoffstall: Well the combination because two of the buildings themselves come equipped with garage areas, we have large landscape islands, tree islands as well as per the parking ordinance, that requirement, there's several parking islands throughout the project itself to allow for additional greenspace. It's just not all hardscape. We have, because you can't have apartments without at least some sense of green yard for somebody to step out onto unless they're on a balcony on the second floor then they're overlooking whatever that may be. But as far as with the numerous landscape islands we have through there, the other green areas dedicated around the storm water detention basins themselves. The soil's borings would be the ones that would dictate as far as the use of porous pavement; however, I will say this as far as the porous pavement: it does not handle turning movements and with a parking lot, you're going to have a lot of turning movements.

Councilman Brinkerhoff-Riley: Okay, so in your opinion would this project, when done, improve the water issue, leave it neutral; would have a neutral impact, or would it increase the problem?

Justin Schoffstall: Worst-case scenario, it would leave it neutral as far as in terms of current drainage and development there.

Councilman Brinkerhoff-Riley: Then I think what I heard you say is based on your traffic, you don't...how many more cars on the road, and I heard the Rally's that...but what about this one? What would it generate?

Justin Schoffstall: On this, as far as those types of developments that for the peak-hour, that generates less than a hundred so depending on as far as the density itself being 76, we should be generating during the peak hour somewhere around 85 vehicles per hour.

Councilman Brinkerhoff-Riley: *(Off Mic)* Per hour. Are they...

Justin Schoffstall: Well not...during the peak hour. And the peak hours as far as the morning is the a.m. peak hour is between 7:00 a.m. to 9:00 a.m. Afternoon peak hour is 4:00 p.m. to 6:00 p.m.

Councilman Brinkerhoff-Riley: So you think you're only putting an addition hundred cars on the road during those hours?

Justin Schoffstall: During the peak hours and that's based off the Institute of Transportation Engineers Multiple Studies Across the U.S.

Councilman Brinkerhoff-Riley: And that's based on though, at some point, an assumption of how many cars you think these 76 to 82 units will own.

Justin Schoffstall: If you went off the first addition it would have quite a few assumptions thrown in with hard data. After nearly 30 years of hard data...

Speaking Simultaneously

Councilman Brinkerhoff-Riley: No I...I mean I know. It's still an assumption.

Justin Schoffstall: I'd say it's not an assumption; it's based off of typical traffic counts done going in and out of those types of developments.

Councilwoman Mosby: But I would also like to add, during those peak hours there are two schools that sit on both sides of that.

Justin Schoffstall: Yes.

Councilwoman Mosby: Yes.

Councilman Weaver: What's going to happen to the Salvation Army? Are you guys knocking that down?

Justin Schoffstall: No. Salvation Army, they have their property and they operate out of that building. We...we...they are our easterly neighbor.

Councilman Brinkerhoff-Riley: And it is true, I will...I do...there is a positive in the sense that it would bring more shoppers to the shopping complex there in that area. I mean I could see where that would facilitate some of those stores.

Justin Schoffstall: And that's been my conversation with the manager of the local Salvation Army.

President Friend: Please state your name and address.

Steven McNary: *(Inaudible)* Steven McNary. I am the administrator of the Salvation Army at Weinbach. I'm from Indianapolis, Indiana and I run that facility and one of our concerns...we're not opposing this project but, again, there's no one that has contacted

us about anything. Our manager did go to look...to get more information and what she got is that they're going to put a wood fence up. Well what I need to know from the contractor, from the owner, we have a lot of water problems there...

Unidentified Speaker: *(Off Mic)* A lot!

Steven McNary:...and we just had a main bust maybe three months ago, four months ago, and I pay a lot of dollars to keep the facility operable and so what I just need to know, can they guarantee us, and after hearing Councilwoman's statement, can they guarantee us that this will not hinder the businesses in the area as far as the water problems. Adding these apartments I think is a good thing. Again, we just want to be operable, we want to be in this place. We've been there 25 years. Again, no one has contacted us and so my wife and I come up to see who we can talk to just to initiate a conversation to see what this will pertain.

President Friend: Thank you sir. Dr. Adams, I need to ask you something. When this came before the Area Plan, were there a lot of these same comments?

Councilman Adams: *(Off Mic)* Yeah, there were and this was 10-zip with my abstention. *(On Mic)* Could I make a suggestion? Would you be willing to just table this for a month and allow your owner to have another shot at sitting down with everybody and talking?

Unidentified Speaker: *(Off Mic)* *(Inaudible)*

Councilman Adams: I'm sorry?

Unidentified Speaker: *(Off Mic)* I'd like to have my statement *(Inaudible)*. I got that right.

Councilman Adams: I can't understand this man.

Justin Schoffstall: I yield the floor for him to make a comment.

President Friend: Yeah, come up sir. Please.

Ronnie Johnson: My name is Ronnie Johnson. I live at 1702 Pollack Avenue, about four doors down from this project. I moved...I've been sitting there, living there now for about 35 years. Since I've moved there...*(Inaudible)*...that's also low income housing, *(Inaudible)* other side of town...right across a big field, Riverside. Bunch of houses back there; that's also low-income housing. But since I've been living there, in my own front yard, I had one drive by shooting right in my front yard... A guy got shot in the leg in my front yard. *(Inaudible)* apartments are over there *(Inaudible)* Riverside. They...about

four...a guy got his throat cut and died trying drive to the hospital. Right in the parking lot of the VFW. They a...that *(Inaudible)* over there on the other side of...about two doors down from that lot of this guy...they had a big raid there about a couple years ago and the cop *(Inaudible)* officer at the scene said it's one of the biggest meth labs he's seen for a while. And like I said...and what you haven't heard all, what I haven't told you yet is, is from Lodge School down to Weinbach, there's about a...I'd say a four or five block straight there with no stop signs at all. If you go down there about every once...almost every weekend or so *(Inaudible)* you'll see a policeman sitting in there by that Fairlawn...I mean that Heritage Baptist Church there, sitting and watching 'em speed down through there cause it's enough...I'd say about a six-block run through there no stop signs at all and they *(Inaudible)*, they fly through there all hours of the night and that first *(Inaudible)* about the number of cars going down through there, I question that number. They go by there all the time; it's a busy street and like I said that police officer goes over there quite...you check with your records, you see he's over there quite regularly, over there by that church, 'bout a few doors down from where that lot sits on Pollack Avenue there and it's a...again, it's a high crime area. I been there about for thirty-odd years and the summer months, all night long, 2...3:00 in the morning, that window is up you know, "Ah you no-good mother"... *(Inaudible)* and just all night long! That's all I hear, it's all night long! It's a...there are times I keep my front door locked. I'm unsafe. I mean I feel like actually... They came by before, said, "Hey buddy, give me drink money". I mean, that's what happened more than once. It is a high-crime area and like I said that it's a dangerous area and at that church over there *(Inaudible)* well it's another church, a church-school and then at, behind me there's another big church, BIG church, a lot of people there pulling out all the time down through *(Inaudible)* and they're a real busy church.

Ah sir, that church down there by *(Inaudible)* brick house of mine? That a...

Unknown Speaker: I don't remember right off hand.

Ronnie Johnson: Brother Simmons is pastor.

Unidentified Speaker: Simmons.

Ronnie Johnson: Brother Simmons is pastor.

Councilwoman Robinson: Progressive Temple.

Unidentified Speaker: *(Off Mic)* Pastor Simmons.

Unidentified Speaker II: *(Off Mic)* Pastor Simmons.

Ronnie Johnson: Yeah.

Councilwoman Robinson: Progressive Temple.

Ronnie Johnson: Okay, okay. He's a church there...he's a good man. But like I said he's a...he's a...it's a very prosperous church and I'm thinking that's good...they're a good, you know, church you know. They got things; they are very active. They're there almost every night, have something going there and sometimes they're full! That lot is full! And they...backing out, backing out, backing out and about two years ago a van backed out, a church van leaving that year smashed into a car and got hit and lucky no one got hurt. Cause like I said, it's a street (*Inaudible*) Lodge School to Weinbach, it's a long run then like I told check in your files and you'll find out there's a cop out there ever week, at least once or twice sitting there by that one church down there watching for speeders. He's there all the time.

It's a bad area. Like I said, my own front yard, this guy's in the front yard, just a kid. This guy came by and asked him for some cigarette money. He said, "I aint got no money", right in my own front yard. Guy shot him in the leg; lucky he didn't kill him.

Like I said bout down there at the VFW parking lot where the guy was (*Inaudible*) while ago, about two years ago they had a...this guy went down there and they cut his throat, left him for dead and he drove as far as Washington Avenue and slumped over the wheel and died. It's a high crime area and if you lived there like I did I don't think you'd want it.

And like I said, the apartments are gonna be there. It's gonna be a lot of apartments; a lot of people and that street there is very, very busy. And like I said, when they go from...when they leave down there at Lodge School, Weinbach, visa-versa, they don't creep along at no thirty miles an hour either. It's a long trip down there you know. Backing out of your driveway and getting out there to go somewhere is troubling trouble now. Like I said, you sitting there about five minutes before you can get out. If I don't look both ways somebody'll cream me. It's a...it's a, like I said it's a long street down through there. It's at least...I'd say it's about four, five blocks long. No signs, stop lights, no lights, nothing! And like I said if...they a...that's full of apartments over there; you got those two schools there too and it's a...it's a...it's just gonna create a whole lot more traffic there and I would say if you...if they pass this and let it be there, you better hire a few more cops a buy another one of those wagons.

That's all I got to say.

Councilman O'Daniel: Thank you sir.

President Friend: Thank you for your comments sir. Do we...do we have any...

Councilwoman Robinson: This...I'd like to say that the response to Councilman Adams, this is in my ward and I have not heard from the developer, my office did notify me that someone called and left a message for me, that they were from the neighborhood I think, and I've been away from my office. A Mr. Collins, is he here tonight? Okay, I think you're against it, one of the neighbors that are against it.

Unidentified Speaker: *(Off Mic)* I'm definitely against it.

Councilwoman Robinson: And you did not know. You thought that Missy was your representative and you found out that I was your representative so he did try to make contact with me today. I have not heard from anyone from Andy Easley's office so I'm asking that we hold this.

Councilwoman Brinkerhoff-Riley: Yes, I mean if that's a...I would make a motion that we be tabled until June 9 and that's because our next meeting is just next Monday and it probably doesn't give enough...give you enough time to have some discussion.

Councilman O'Daniel: I would second that motion.

Multiple Speakers Speaking Simultaneously

President Friend: We have, excuse me, point of order...we have a couple other people like to come up.

Councilwoman Brinkerhoff-Riley: Do they not fill out cards *(Inaudible)*? I don't think we have a list.

Councilman O'Daniel: And a perhaps if there is a meeting...

President Friend: *(Off Mic) (Inaudible)*

Councilman O'Daniel:...if in fact there is a meeting, maybe some of these issues can be addressed by the developer.

President Friend: Please state your name and address.

Pamela Collins: *(Barely Audible)* My name is Pamela Collins. I live at 1722 Pollack Avenue, which is right across the street from Randy's Tree Service. Me and my husband have lived there for 17 years and there is a lot of traffic. I was against it. I'm the one

who collected signatures in the neighborhood. There were four people that weren't home and there's two in empty houses for sale.

My main reason I am against it is because of the traffic volume. I mean, with school children that walk the street we always make sure we call in if the sign's not working, the solar sign. We always make sure we call if the stop lights aren't working. I'm glad my husband...he mentioned he did get a hold of you and we found that information out. That's the main reason I'm against it is because of the traffic, so I agree to postpone this for a month. Let's do some more research. I was under the impression that storage units were going in there. That's what I heard.

Unidentified Speaker: *(Off Mic)* We stopped that.

Pamela Collins: Another neighbor that lives down the street, Donna and Mike Meyers... unfortunately her brother passed away so she's at the funeral home tonight so they couldn't be here but I would strongly suggest we hold this for a while out of just sheer safety reasons.

President Friend: Thank you very much.

Pamela Collins: Thank you for listening.

Multiple Speakers Speaking Simultaneously

Councilman O'Daniel: What's this currently zoned as?

President Friend: It's zoned C-4.

Councilwoman Brinkerhoff-Riley: C-4.

Councilman Adams: C-4. It's a downzoning.

Multiple Speakers Speaking Simultaneously

Councilman O'Daniel: It's C-4 and it's going to C-2. Okay, all right.

Councilman Adams: Be careful what you wish for.

Councilwoman Robinson: So he can go ahead and build the apartments with the C-4.

Councilman O'Daniel: Well he can build storage units or probably build a lot of things that are more undesirable but nevertheless, I do think that it's important...*(Inaudible)*

Councilwoman Robinson: Well I would think that he'd want to be a friendly neighbor and would want to sit down with the neighbors.

Councilman O'Daniel: I don't know if we seconded the motion or if there's anybody else wanting to do that but...

Councilwoman Brinkerhoff-Riley: *(Off Mic)* I think we just make...let's make sure that...I guess we didn't collect signature cards so we didn't have a list of people that wanted to speak. Anybody else before we consider the motion to table it?

President Friend: Let...let...

Multiple Speakers Speaking Simultaneously

President Friend: Excuse me. Do we have anybody else out in the audience at this moment? Okay, now, what I like to do is like I said...first of all, do you have a problem personally with this being tabled?

Justin Schoffstall: I think as far as with what we have before us I do want to address one other item from Salvation Army. The leader was here. At the APC meeting, the local manager of the Salvation Army did attend, had general comments, questions, which I spoke to her afterwards regarding that. I also spoke to her on the phone last week so with notifications as for what we had in Salvation Army was notified with the certified mailing as per requirements. I had to separate conversations with the manager of the store here on Weinbach.

What I passed out here to you today is items that we could pull permits on for a C-4 zoning that's typically considered undesirable uses for this area. And again, that goes back what I was making a statement earlier as far as higher density, larger traffic, more of what's considered nuisance, undesirable elements for this neighborhood and you go through Site Review; we wouldn't have to go to public meetings with the exception of Site Review meetings.

Councilman O'Daniel: But of course, that's not what your...

Justin Schoffstall: No.

Councilman O'Daniel:... business is; it's not what your clients' business is.

Justin Schoffstall: Right.

Councilman O'Daniel: I understand.

Councilman Lindsey: Hey, is it correct that the only way you could build a residential, right is with a C-2, right?

Justin Schoffstall: Yeah, C-2 is the *(Inaudible)*.

Councilman Lindsey: So this is literally, if it's not zoned a C-2, they can't build this project.

Councilman O'Daniel: Well they may not be able to build this project but *(Inaudible)*...
Speaking Simultaneously

Councilman Lindsey: Unless *(Inaudible)* this, but they can't build the project that they've floored.

Councilwoman Robinson: But he can sell it to someone else that might want to build a liquor store but there's already one across the street.

Justin Schoffstall: Uh-hem, yeah, and considering we do quite a bit of the CVSs through here in town. Every time you find a CVS you've always got a Walgreens right across the street more often than not so...the nature of business competition.

Councilman O'Daniel: I...you know I think the idea...I mean me this is me, personally, talking, is the idea of keeping development in this area, which listening to the gentlemen, why anybody would want to develop there or invest their money there as high crime as it may be right now, I think that's a desirable use for it, the highest use for it, but I also think that you got to give and take here and if there's this many people who don't feel like they've been heard, I think your client ought to reach out to them. You know, they want this development; I think they ought to make that effort, so...

Justin Schoffstall: And I, in recalling from the Area Plan Commission, the only thing that was really looked on as being favorable was doing this as a single-lot family...single, residential family lot subdivision, which with the way it's set up, probably the most we could we get in there would probably be about eight or ten homes. Now with the other complaints of which have used to go against the, what I would consider, a grotesque generalization about people who live in apartments in general that that would be more desirable. It's just the fact of it's either we'll leave it C-4 as it is because they'd rather have to where either somebody comes in, does a different development just as long as it's not apartments, but the ideal thing would be putting in single family residential homes. And I don't think that there would be any real common ground for them...having my client meet with them, sit down, and it'll be the same thing as far as, you know, we have the greenspace, we have more than what's required.

Councilman O'Daniel: You don't know unless you try.

Justin Schoffstall: Right.

President Friend: I like to entertain a motion to table this until June 9th, I think June 9th I believe is the next meeting.

Councilman O'Daniel: So moved.

Councilwoman Mosby: Second.

President Friend: Okay, I had a motion made by Councilman O'Daniel; seconded by Councilwoman Mosby. Ayes? Nays? *(Unanimous Ayes)*. It goes til June the 9th. Please try to get with the folks and...

Justin Schoffstall: I will remind my client. Thank you.

President Friend: Thank you.

Okay, next up would be the Regular Agenda, Third Reading of Ordinance R-2014-...

Multiple Speakers Speaking Simultaneously (Inaudible)

President Friend: Oh, we just held that. Excuse me. Okay, it'll be Consent Agenda, Second Reading of Ordinances and Resolutions.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

<u>ORDINANCE G-2014-4</u>	<u>FINANCE</u>	<u>COUNCIL AS A WHOLE</u>
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An Ordinance repealing Ordinance F-2012-1 Amended (EarthCare)

<u>ORDINANCE G-2014-5</u>	<u>FINANCE</u>	<u>O'DANIEL</u>
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A Special Ordinance Authorizing the City of Evansville to Issue Up to \$7,500,000 Aggregate Principal Amount of its City of Evansville, Indiana Multifamily Housing Revenue Bonds, Series 2014 (Eastland Apartments Project) (the "Bonds") in One or More Series and Approving and Authorizing Other Actions in Respect Thereto

<u>ORDINANCE G-2014-6</u>	<u>FINANCE</u>	<u>FRIEND</u>
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An Ordinance of the Evansville Common Council Authorizing the City of Evansville, Indiana, to Issue One or More Series of its "Economic Development Revenue Bonds

(Medical School Project)" and Approving and Authorizing Other Actions in Respect Thereto

ORDINANCE F-2014-5 AMENDED FINANCE O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

COMMITTEE REPORTS:

FINANCE COMMITTEE:

CHAIRMAN O'DANIEL

Chairman O'Daniel: Yes Mister President, your Finance Committee met this evening to hear the following Ordinances: G-2014-4, G-2014-5, G-2014-6, and F-2014-5 as Amended, and all come forward with a do-pass recommendations.

President Friend: Adoption...a motion to adopt the Committee Reports and move to the Third Reading of the Ordinances.

Councilman O'Daniel: So moved.

Councilman Mosby: Second.

President Friend: I have motion made by Councilman O'Daniel, seconded by Councilwoman Mosby. Ayes? Nays? Goes forth.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-4 FINANCE COUNCIL AS A WHOLE

An Ordinance repealing Ordinance F-2012-1 Amended (EarthCare)

President Friend: Okay, is there a motion to adopt Ordinance G-2014-4?

Councilwoman Riley moved and Councilman O'Daniel seconded the motion to adopt Ordinance G-2014-4. Okay, please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: There being nine (9) Ayes and zero (0) Nays, Ordinance G-2014-4 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-5

FINANCE

O'DANIEL

A Special Ordinance Authorizing the City of Evansville to Issue Up to \$7,500,000 Aggregate Principal Amount of its City of Evansville, Indiana Multifamily Housing Revenue Bonds, Series 2014 (Eastland Apartments Project) (the "Bonds") in One or More Series and Approving and Authorizing Other Actions in Respect Thereto

President Friend: Is there a motion to adopt Ordinance G-2014-5?

I had a motion by Councilman Lindsey moved and seconded Councilman O'Daniel. Please call the roll dealing with G-2014-5.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: With nine (9) Ayes and zero (0) Nays, Ordinance G-2014-5 is declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-6

FINANCE

FRIEND

An Ordinance of the Evansville Common Council Authorizing the City of Evansville, Indiana, to Issue One or More Series of its "Economic Development Revenue Bonds (Medical School Project)" and Approving and Authorizing Other Actions in Respect Thereto

President Friend: Is there a motion to adopt Ordinance G-2014-6?

I have a motion by Dr. Adams and I have a second by Councilwoman Brinkerhoff-Riley. Please call the roll dealing G-2014-6.

Comments made prior to casting their respective votes:

Councilman McGinn: I've got to say, this is the most exciting thing I've voted on in 6½ years on this Council. This is a big deal. It's a game-changer. It's wonderful. Aye.

Councilman Adams: I'd just like to take this opportunity for a second if you don't...if you'll bear with me, I'd like to acknowledge and thank my dear friend and colleague, Dr. Steve Becker who took me out to lunch about three years ago, or a little less than three,

and said he had an idea about putting four schools and five or six hospitals together and he had a dream and he really didn't know where to go and I told him he was nuts. Knowing the silo effect that educational institutions have and medical institutions have, I didn't think he could get that kind of cooperation but I thought I'd humble him, or humor him I should say, and suggested that he take his idea to a guy named Ed Hafer. He did that and Mr. Hafer started with...asked Steve to create a five-year plan. From that germination, this thing has taken an incredible course and it is...you have to understand that this is not a medical school. This is an allied health consortium and it has great potential.

Secondly I'd like to thank Mayor Winnecke who is either smart enough or silly enough to ask me to join the particular RFP submission team because it was a superb group of group of people. They were all excellent in what they did. That put up with my volatile utterances on occasion and they really did an absolutely fantastic job taking the team concept of, the new team concept of medical education, and incorporating it actually into the building design. It was absolutely an exciting thing. What was not mentioned is this common atrium where all the students will be meeting together and therefore having a team aspect and obviously, the simulation center will also do that so there's that aspect.

Finally, I'd like to thank you all for allowing me to have the responsibility to take this on. I really appreciate your confidence in me and also thank you for being able to trust me with this financial package for the period of time in which we were still competing with other people and therefore we needed to be keeping our cards close to the vest.

With that, I vote aye.

President Friend: Yes, I would like to first of all thank our mayor. I'd like to thank Steve Becker, Dr. Adams, and Skanska for your work. I understand the architectural stuff, according to Dr. Adams, was superb. It really helped us over the top. Great team effort. This is something that Evansville needs to really be proud of and man, we have some really good things ahead of us.

With that, I vote aye.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: With nine (9) Ayes and zero (0) Nays, Ordinance G-2014-6 is now reality.

(Applause)

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2014-5 AMENDED FINANCE O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

President Friend: I need a motion for Ordinance F-2014-5 Amended?

I had a motion by Councilman O'Daniel and seconded by Councilwoman Brinkerhoff-Riley. Please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: Nine (9) Ayes and zero (0) Nays, Ordinance F-2014-5 Amended is hereby declared adopted.

RESOLUTION DOCKET

RESOLUTION C-2014-10 (DOCKET) FINANCE O'DANIEL

Resolution of the Common Council of the City of Evansville, Indiana, Approving an Amendment to the Plan for the Downtown Redevelopment Area

President Friend: Okay...okay this would be a...okay we have discussion on this. Resolution of the Common Council of the City of Evansville, Indiana, adopting an amendment to the plan for the Downtown Redevelopment Area.

Councilman O'Daniel: This is...Ted, you want to come forward and address this. This is a...oh, I'm sorry. Ted Ziemer, he asked me to sponsor this. This is sort of a housekeeping thing to make sure we can build within the TIF, isn't it?

City Attorney Ziemer: It is, yes. The plan for the economic development area does not include the IU Med School or the bonding to pay part of the incentive cost for the medical school. To accomplish that, it's necessary to amend the declaratory resolution for the plan for this economic development area to include the med school as part of that plan. A similar resolution was passed by the Evansville Redevelopment Commission last...let's see...of yeah, last Tuesday and then another resolution similar to that was

passed by the Area Plan Commission last Wednesday, finding that the inclusion of this project in the plan would be in accordance with the master plan for Evansville and Vanderburgh County. It's now before you and on your affirmative vote, this will become part of the plan and the basis for the financing.

President Friend: Do we have any discussion? Wow. Anybody in the audience about this? With that, that was quick.

Councilman O'Daniel: Move to adopt Your Honor. Or your...

President Friend: Had a motion by...

(Laughter)

Councilman O'Daniel: Mr. President, sorry....lawyer.

Multiple Speakers Speaking Simultaneously: *(Inaudible)*

President Friend: Is there a motion to adopt Resolution C-2014-10.

Councilman Adams: So moved.

President Friend: I had a motion by Dr. Adams.

Councilman McGinn: Second.

President Friend: Seconded by Councilman McGinn.

Please call the roll dealing with C-2014-10.

Comment made prior to casting his vote:

Councilman Adams: By passing this, we guarantee medical personnel, of all levels, to the area for the next 50 to 100 years. I vote aye.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: Nine (9) Ayes and zero (0) Nays, Resolution C-2014-10 is hereby declared adopted.

RESOLUTION DOCKET

RESOLUTION C-2014-11 (DOCKET) ADAMS, FRIEND, LINDSEY, MCGINN, MOSBY, ROBINSON & WEAVER

Resolution of the Common Council of the City of Evansville, Indiana, Observing National Maritime Day

President Friend: Do we have any discussion regarding this? Yes?

Councilwoman Mosby: Would it be possible for me to read this?

Councilman O'Daniel: Yes.

President Friend: Absolutely.

Councilwoman Mosby: Okay, great. It's a Resolution of the Common Council of the Evansville, Indiana, observing National Maritime Day.

WHEREAS, The Common Council of the City of Evansville, Indiana hereby observes National Maritime Day; and,

WHEREAS, The United States Merchant Marine is the fleet of private and government, civilian-owned merchant vessels that participate in the trade or transportation of goods and services through navigable waters of the United States; and,

WHEREAS, National Maritime Day, a federal observances, was created by the United States Congress on May 20, 1933; and,

WHEREAS, National Maritime Day is nationally observed on May 22 of each year; and,

WHEREAS, May 22, 1819, marks the date when an American steamship, the Savannah, set sail from Savannah, Georgia on the first-ever transoceanic voyage that was powered by steam; and,

WHEREAS, throughout American history, ordinary men and women have accomplished extraordinary objectives as United States Merchant Marines; and,

WHEREAS, Merchant Mariners move cargo and passengers between nations and within the United States, operate and maintain deep-sea merchant ships, tugboats, towboats, ferries, dredges, excursion vessels, and other waterborne craft on the oceans, the Great Lakes, rivers, canals, harbors, and other waterways; and,

WHEREAS, the Merchant Marine supports our military forces by shipping troops and supplies wherever they need to go; and,

WHEREAS, the Merchant Marine powers the world's largest economy and strengthens our ties with international trading partners at all times; and,

WHEREAS, Evansville, Indiana, located on the Ohio River, has a rich and fruitful history with the Merchant Marine; and,

WHEREAS, historically, Evansville's commercial prosperity is deeply rooted in its access to the Ohio River and the trade opportunities that the waterway provides; and,

WHEREAS, Evansville, Indiana was the largest producer of LST's in the nation, at times producing two per week during World War II, with a total of 167 LST's produced as well as 35 other craft at the Evansville shipyard with the assistance of the Merchant Marine.

NOW THEREFORE, BE IT RESOLVED,

THE COMMON COUNCIL OF EVANSVILLE, INDIANA HEREBY observes National Maritime Day.

President Friend: Thank you Councilwoman Mosby.

Councilwoman Mosby: Thank you.

President Friend: With that, I entertain a motion to adopt Resolution...

Councilwoman Mosby: So moved.

President Friend: C-2014-11. A motion by Councilwoman Mosby; seconded by?

Councilman Adams: Second.

President Friend: Dr. Adams. Please call the roll dealing with C-2014-11.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: With nine (9) Ayes and zero (0) Nays, Resolution C-2014-11 is hereby adopted.

MISCELLANEOUS BUSINESS

There will be a meeting next Monday night on May 19, 2014 at 5:30. Committee reports will begin at 5:20 on Monday, May 19. Just to let everybody know, I will not be at that one, I'll be out of town and so...

Councilwoman Brinkerhoff –Riley: Mr. President, I have an issue that I'd like to take up.

G-2014-7 is currently slated to be heard next week, that is the Good Neighbor Ordinance, but because of the one...only having one week and the working group's desire to have the month of May to present it to neighborhood associations, UNOE, the Mayor's Traveling Hall, we...I would move that that be held until the June 9th meeting and that also provides the working group that first week of June to just kind of crunch all the data and the feedback we get through the month of May and take it up there.

Councilwoman Robinson: Okay, Mister...

President Friend: *(Off Mic) (Inaudible)*

Councilwoman Robinson: Well Mr. President, I think Reverend Brooks is here tonight to speak on this. He's out of town that date also and he's going to be...he's scheduled to be out of town next Monday so I think he wants to speak on this Good Neighbor Ordinance tonight.

President Friend: Okay, I think that's good. Oh yes, yes Reverend.

Reverend Adrian Brooks: Thank you.

President Friend: Please join.

Reverend Adrian Brooks: I'm glad to have you all downtown. I'll be right down the street at the Memorial Baptist Church if you all need somewhere to worship come on down.

President Friend: Yeah, that's right.

Reverend Adrian Brooks: So, 645 Canal Street.

Good evening, Councilmembers. I want to speak against this before it even catches any further breath. I don't think that the Evansville Police Department needs more tasks to do as it relates to managing properties. I think that's our responsibility. If we've got a problem tenant it's our responsibility to address that situation. We address it so

strongly until if one of Evansville's finest calls us because they've made a visit to one of our apartments, our folk understand it's time to pack. They start packing before we say anything because they...it is understood the level, the standard that we hold as it relates to our properties.

We currently control about a 112 rental properties, I think, in the center city. I talked with the Chief earlier about my opposition to any further infringement upon free management of our properties as it relates to the day-to-day operation. I don't think the City needs to do any further legislation on how we handle any tenant issues. I think we do well and so I'm against any further infringement upon our opportunity to manage the day-to-day operations of the developments that we've been blessed with.

I'm not privy to some of the finer intricacies of the ordinance but we are currently participating in that registration program. We have a great relationship with the Evansville Police Department when there are issues. Whenever issues have arisen, we've addressed those. It is not the responsibility of the Evansville Police Department, or of any other agency other than that owner, to manage those properties properly and to rid those properties of any element that causes decline within those neighborhoods. That's our responsibility and if that responsibility is not being upheld then they need to go after that particular manager. But to kind of put us all in the same boat, I don't think is fair to us and so I don't want to participate in anything else that's going to require that we have more oversight, increased paperwork, and having to add to, potentially, add to our personnel, which, you know when you add personnel, you add costs. If you add costs, those costs, those costs have to be absorbed by somebody and so the end user is normally the one who is punished when you increase our overhead.

And so we're asking that you, if you would, just let this thing die now and let us do what we're supposed to do to continue to make our community a nice, wonderful place with affordable renting and a diversity of the population as we prepare to welcome those who will be coming as a result of the downtown hotel, and the downtown med school, and all of its partners. We look forward to providing housing opportunities to them and they're clean, they're well-kept and if you're not familiar with our operation, feel free to come by and tour it. We'd be delighted to show any of you our...all of our properties in the center city. I think you'll be pleasantly surprised at what you see if you haven't already.

Thank you and have a wonderful evening. If anybody has any questions, I'd be happy to entertain 'em but I just want to thank you for your time, for putting up with an old country preacher just came by.

President Friend: Thank you, Reverend.

(Spattering of Applause)

Councilwoman Brinkerhoff –Riley: Reverend Brooks...and I think you're an excellent landlord. I just would point out that the ordinance specifically allows you to operate. It infringes in no way on your ability, should you decide sooner than the ordinance would kick-in, you're free to operate as you do. I mean if you are the first person...if you as a landlord typically address it in the first-time incident, then the ordinance simply...probably won't come to bear on you because the ordinance allows you to continue your own system and if you're preemptive in tolerating very little and you're managing those properties, you probably wouldn't enter a situation where the ordinance would...cause the ordinance allows you to operate your business as you see fit. Many landlords, frankly, file eviction actions or have people leave the unit the first time there is a problem and for people that are, you know, so on top of the property and the way you manage it, the ordinance won't actually force you to do anything because you're already doing it. And so we have...and I...I don't know if Jeff is still here in terms of...but we are very careful to...for landlords that don't need to be told when something's a problem to try and provide...there are additional tools in this for you, but if you're preemptive then you probably aren't going to end up in a situation where someone, or where the EPD is asking for the eviction.

Reverend Adrian Brooks: I thank you, City Councilperson...

Councilwoman Brinkerhoff –Riley: And I'd be happy to come and talk to you about it.

Reverend Adrian Brooks: Yes ma'am. I still think we are registered in the program that's currently required.

Councilwoman Brinkerhoff –Riley: Is that the Crime-Free Multi-Housing?

Reverend Adrian Brooks: Yes ma'am. And the relationship that we have with the Evansville Police Department...

Councilwoman Brinkerhoff –Riley: Is very good.

Reverend Adrian Brooks: It's a good relationship.

Councilwoman Brinkerhoff –Riley: Uh-hum.

Reverend Adrian Brooks: We just don't think that we need another ordinance that would require us to potentially jump through additional bureaucratic loopholes and could potentially lead to some additional liability should something go wrong.

Councilwoman Brinkerhoff –Riley: You mean in terms of should you be told to evict someone and not successful at it?

Reverend Adrian Brooks: Should we be told to evict someone and maybe it's not the right apartment. I mean these are humans that are doing these things. I mean humans make mistakes and so I just don't believe that this an ordinance that is necessary at this time. I think that the market...we live in a market-driven economy, I think ultimately the market will correct some of these issues that exists as it relates to a few troubled tenants and a few troubled properties. I think that the market dynamic that we see coming will correct some of your concerns as it relates to tenant problems.

Councilman O'Daniel: I certainly hope so. I guess two things: One, know there is a sort of a backstop so to speak that even when you...even if the ordinance is adopted, you file the eviction, the judge still has to do it, right?

Reverend Adrian Brooks: Uh-hum.

Councilman O'Daniel: And so that's one potential safeguard if it's the wrong apartment or something like that so the liability really not there. The other is you said, "Go after the problem landlords". This gives another tool to go after those problem landlords, and unfortunately if you look at the number of properties that have weeds and things of that nature, which are relatively minor nuisances, but they add up over time and if nobody is there to correct it when the market hasn't done so, then that's when we have to step in. Just my opinion.

Reverend Adrian Brooks: That's why we have Code Enforcement.

Councilman O'Daniel: That's right.

Reverend Adrian Brooks: Code...the very issues you just cited, Code Enforcement is addressing. Eventually they end up on the tax rolls and there is a process for disposition of those properties already in place so that again would be corrected by the current system that's in place. Those other things that you've cited in terms of the market hasn't corrected it yet, well there's some absorption that will go on I think in the future in some of these areas and I think we see some market correction coming that will take care of that.

I just don't want us to overreact to a few issues that we may have in our community by creating more bureaucracy that could eventually block other developers from wanting to develop within our city anywhere because of the just a lot of the obstacles to develop.

Councilwoman Brinkerhoff–Riley: I would, and I know that, you know, obviously all of the people that had planned to...don't plan to have to have the Committee Meeting June 9th so not everyone is here that would potentially respond to that but we started the process about six months ago and we have had for-profit landlords, all of the major apartment complexes in the city support it, Monte Fetter at POMA. We tried to bring everyone into the table. We started with a draft that I wrote but the draft we filed was draft number nine and it really belongs, at this point, we think, to everyone and I think if you could see that it wasn't passed in a vacuum, as we do this we're combining the mandatory, and the rental, and the voluntary registry together.

We are providing more and more incentives for landlords to maybe jump to the next category, which is the voluntary, which provides those additional negotiated benefits with the Building Commission about repairs and that flexibility when you've got a problem to get more time to deal with it. At the same time, and the reason the ordinance would be delayed til October, is that we're building a website as we combine these. The website will provide...we had 500 properties join the Crime-Free Multihousing program last year and additional properties that went into the Crime Prevention for Environmental Control. What we've done, which is very different than a lot of cities, is we don't mandate anything except for the mandatory registry, which is simply, as a landlord, you register that you have property so that we could get a hold of you if there was a problem. Everything else that flows from there is a carrot...free landlord training, free training on screening, free training on leases. As this comes together you will have a website, hopefully with a portal through the EPD, that will give you additional screening tools. I mean we've tried to make this a broad spectrum approach and the goal is not to evict people.

Councilwoman Robinson: Let me...Councilwoman Riley, you said that you met with several landlords. Did you invite Reverend Brooks to the meeting?

Councilwoman Brinkerhoff –Riley: *(Off Mic)* No, and I...

Councilwoman Robinson: How many units do you have...are you responsible for?

Reverend Adrian Brooks: About 112.

Councilwoman Robinson: Okay, and he was not invited. How did you decide who was invited to the meeting?

Councilwoman Brinkerhoff–Riley: *(Off Mic)* We brought in the...about 10,000 units of apartments that are represented by Wilhite...

Reverend Adrian Brooks: Uh-hum.

Councilwoman Brinkerhoff-Riley: *(Off Mic)*...and then we asked Monte to come in as POMA because he represents a lot of stand-alone residences. Felt like we needed...

Unidentified Speaker: Can you turn your mic on?

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Oh, I'm sorry. *(Mic On)* We felt like we needed the for-profit landlords in the mix and I'm sorry that we didn't include you but...

Reverend Adrian Brooks: That's okay, I've got enough meetings to go to. Don't worry; it's okay.

Councilwoman Brinkerhoff-Riley: I really didn't mean it as a slight but one of the reasons we're letting it pend...

Reverend Adrian Brooks: I'm not offended at all.

Councilwoman Brinkerhoff-Riley: Well one of the reasons to let pend for the whole month of May, and I'd be happy to meet with you before that first week of June, because we are open to suggestions. That's why we're letting it pend for May and taking it into every neighborhood association we can find and as we gather the feedback, there may be ways that the ordinance can be...I'm...we're open and that's why we're meeting that first week of June. What did we hear in the month of May for people who maybe weren't plugged into the process? We felt like the Crime Prevention officers that were included, we felt like they really represented, at the table, the neighborhood associations that they deal with day-in and day-out on the nuisance types of complaints.

But we're more than happy...and my kids are...I know my kids...one day when I dropped my kids off at your daycare, maybe I can come in and talk to you but as we get feedback, we're more than willing when it becomes apparent that there has to be something changed, we're willing to do it. We're open to that.

Reverend Adrian Brooks: Again, we do background checks. We screen our clients and ultimately if we have to do an eviction we do that but that's our responsibility to do those things to maintain a standard of...

Councilwoman Brinkerhoff-Riley: It is.

Reverend Adrian Brooks:...of quality and so I don't think that another ordinance is necessary for us to do what we ought to be doing and what the market, the economy does. It makes us hold a higher standard so that our facilities stay full. See, I have no vacancies. The reason we don't have any vacancies is because when people come they

know it's going to look good enough for me to live in because if it doesn't look good enough for me to live in, I don't rent it. And because we've put so much into it, don't mess it up or we're going to have a come to Jesus meeting. And so I don't think that we really need another potential obstacle to development. I think what we need is to allow the market to dictate the higher standard necessary and it will take care of, it will literally clean out some folks who don't maintain their properties because we have Code Enforcement, we have law enforcement, we have an eviction process. It is in place.

Councilwoman Brinkerhoff-Riley: Well and the eviction process remains the same. I mean obviously as the City, we have no ability to adjust the eviction process in the County.

Reverend Adrian Brooks: But I think that all of these are in place, they just need to be property utilized by those who manage properties. That's all I'm saying. I just...I shudder when I hear we're going to have another ordinance and another process...

Councilwoman Brinkerhoff-Riley: It's actually not another one.

Reverend Adrian Brooks:...and another registration, another potential training.

Councilwoman Brinkerhoff-Riley: *(Inaudible)*

Reverend Adrian Brooks: Another potential fee to pay.

Councilwoman Brinkerhoff-Riley: There are no fees.

Reverend Adrian Brooks: More management.

Unidentified Speaker: *(Off Mic)*

Councilman Adams: *(Off Mic) (Inaudible)*...going to have one last word on...

Reverend Adrian Brooks: Yes sir, here's...

Councilwoman Brinkerhoff-Riley: No, I just wondered since I understand you can't be here that, that was all...

Reverend Adrian Brooks: My last word is I was going to be out of town and so I had to voice my opposition at this meeting, Dr. Adams and I missed you at church yesterday.

God bless you.

President Friend: Thank you, Reverend. Appreciate it. Okay. Yes sir?

Unidentified Speaker: *(Off Mic)* May I speak on this issue?

President Friend: This ordinance you mean?

Councilman O'Daniel: Well we were going to...

President Friend: It's being delayed until the...

Councilman Weaver: Well he came tonight thinking...

President Friend: Oh he did?

Councilman O'Daniel: Well it wasn't going to be heard today anyway.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* It was never scheduled...

Councilman O'Daniel: It wasn't scheduled.

Unidentified Speaker: First Reading.

President Friend: It was the First Reading.

Councilman Weaver: Well he's here to speak as a citizen so...

President Friend: Well the reason why we let him speak sir was because he's going to be out of town the time we have the night of speaking about this.

Unidentified Speaker: *(Off Mic)* I'll make it short. It wouldn't be near as long as the reverend.

(Laughter)

Unidentified Speaker: *(Off Mic)* I'll tell you what, just let him go.

President Friend: What's that?

Unidentified Speaker: Let him go.

President Friend: Let him come up? Come on up. Come on, yes. I won't be...I know it. I know it. Yes.

Mike Wilson: Thank you so much. My name is Mike Wilson, 709 N. Tenth Avenue. I own and operate several rental properties in Evansville and most the time we don't have any problems but every now and then one will crop up. Now, in looking through this proposal, I see that there instead of a carrot, it's a hammer. You spoke of carrots flowing from somewhere. But I see a hammer of \$750.00 down here if we don't evict someone upon an investigation. Now to me, that's a pretty heavy hammer and I don't know whether that still stands or not but like the reverend talked about, we have got plenty of regulations now that address these. The problem here that I see, an ordinance of this becomes the burden of the property owner and not the origin of the problem, and that is the tenant.

Now what I would like to see, and there could be some tweaking in this, and I'm not saying throw this whole thing out cause we do need some help in some form or fashion to get rid of some problems. But number one, if you tell us to evict someone, the expense of the eviction becomes our burden. If you're telling us to evict, you evict 'em on your dime and not penalize us further by maybe within ten days not filing an eviction. If there's proof, then go ahead and do it. I don't know whether that would be legal; there's a lot of bright minds in this room right now that could address that. But number one, I think we need to pass a test on what is the problem and is it the landlords' or is it the tenants' and address it from there. Thank you.

President Friend: Thank you. Come back on the 9th, we'll have it...

Mike Wilson: Oh, I'll be back.

President Friend: I count on it, yes. I'm sorry? Oh yeah, I'm sorry Missy, go ahead.

Councilman Mosby: I also want to let you know that I will not be at the meeting next week. I will be out of town as well.

President Friend: Okay, thank you. Thank you so much.

COMMITTEE REPORTS:

President Friend: With that, let's go to Committee Reports, A.S.D. Committee...Chairman Adams.

Councilman Adams: Mr. President, Ordinance G-2014-7 will be delayed until June 9 and we'll hear it at 5:20 perhaps. What do you got going there?

City Clerk Windhorst: 5:25.

Councilman Adams: 5:25 to allow city-wide education for this particular ordinance, which obviously seems it needs to be done.

President Friend: Thank you. How about Finance?

FINANCE COMMITTEE:

Re: Ordinance F-2014-6

Date: May 19, 2014

Time: 5:20 p.m.

Notify: Lisa Angermeier

CHAIRMAN O'DANIEL

Authorizing Re-appropriations and
Additional Appropriations of Funds
within a City Dept. (DMD)

PUBLIC WORKS COMMITTEE:

Nothing scheduled at this time.

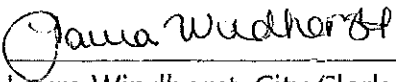
CHAIRMAN LINDSEY

ADJOURNMENT


President Friend: With that I'll entertain a motion to adjourn for adjournment.

Councilman O'Daniel moved and Councilman Adams seconded the motion to adjourn.
Voice Vote. So Ordered.

Meeting adjourned at 7:28 p.m.



Laura Windhorst, City Clerk



John Friend, President